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UNITED STATES COURT OF APPEALS
FOR DISTRICT OF COLUMBIA CIRCUIT
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**BEFORE THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

The Town of Weymouth, Massachusetts,

Petitioner

v.

Federal Energy Regulatory Commission,

Respondent

DOCKET NO. 17-1135

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PETITION FOR REVIEW

The Town of Weymouth, Massachusetts (the "Town") hereby files this Petition for Review of the Order of the Federal Energy Regulatory Commission's Order Issuing Certificate and Authorizing Abandonment, FERC Docket No. CP16-9-000, 158 FERC ¶61,061 (Jan. 25, 2017) (the "Certificate Order"), granting to Algonquin Gas Transmission, LLC and Maritimes & Northeast Pipeline LLC (collectively, the "Natural Gas Companies"), under Section 7(c) of the *Natural Gas Act*, 15 U.S.C. §717f(c), and Part 157 of the Commission's regulations, 18 CFR pt. 157, authorization to construct and operate certain pipeline and compression facilities in New York, Connecticut, and Massachusetts (known as the "Atlantic Bridge Project").

On October 22, 2015, the Natural Gas Companies filed an application for the construction and operation of the Atlantic Bridge Project, which includes the construction of a new natural gas compressor station within the Town. The Town intervened in the Commission proceeding below. See 158 FERC ¶61,061, ¶14 and Appendix A (granting timely, unopposed motions to intervene).

As required by 15 U.S.C. §717r(a), the Town filed a timely Request for Rehearing on February 24, 2017. The Commission had 30 days to act on that Request or it would be deemed constructively denied by operation of law. *Id.* Concurrently, the Town filed a Motion for Stay of Order, seeking a stay of the Certificate Order until the Commission acts on the Request for Rehearing.

The Commission did not validly act on the Request for Rehearing by March 27, 2017, 30 days after the Town's Request for Rehearing, and the Request was therefore constructively denied as of that date.

On March 27, 2017, Secretary Kimberly D. Bose issued an "Order Granting Rehearings for Further Consideration," FERC Docket CP16-9-001 (the "Tolling Order"). Despite its title, however, the Tolling Order does not actually grant a rehearing, but instead purports only to "afford additional time for consideration of the matters raised or to be raised." This Tolling Order did not address the Town's motion for stay of the Certificate's effectiveness.

On April 25, 2017, the Town filed a Request for Rehearing of this Order, challenging the authority of the Secretary to issue such an order in the absence of a quorum of FERC members.

The Town hereby requests review of the Certificate Order and further requests that it be set aside as to those parts that relate to the construction and operation of a natural gas compressor station in the Town of Weymouth.

Pursuant to 15 U.S.C. §717r, this Petition for Review is timely filed within 60 days of the constructive denial of the Town's Request for Rehearing. This Court has jurisdiction to review the Certificate Order pursuant to Section 19(b) of the *Natural Gas Act*, 15 *U.S.C.* §717r(b).

Respectfully submitted,

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May 23, 2017

* Not a member of the D.C Circuit Bar; Application for Admission is forthcoming

Certificate of Service

I, Donna M. Brewer, certify that on May 23, 2017, I have caused to be served the foregoing Petition for Review on all parties on the Official Service List for FERC Docket No. CP16-9-000 by first class mail, return receipt requested, where mailing addresses are indicated, and by electronic mail. A copy of the Official Service List identifying those served is attached.

Respectfully submitted,

Donna M. Brewer

____

Donna M. Brewer

Service List for CP16-9-000 Algonquin Gas Transmission, LLC

Contacts marked ** must be postal served

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